

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for the courtesies extended during the Examiner Interview and for carefully considering this application.

Examiner Interview

An Examiner Interview was conducted on May 7, 2010. Applicants have reviewed the interview summary mailed May 13, 2010 and agree with its contents. In particular, during the Examiner Interview, the invention was discussed, but no agreement was reached with regards to the Rejection under 35 U.S.C. § 103. With regards to the rejection under 35 U.S.C. § 112, the Examiner stated that amending the claims to recite that the scheduler is “programmed to...” overcomes the rejection.

Disposition of the Claims

Claims 13, 14, and 16-20 were pending in this application. Claim 20 is canceled by way of this reply without prejudice or disclaimer. Further, claims 28-30 are newly added by way of this reply. Accordingly, claims 13, 14, 16-19 and 28-30 are currently pending in this application. Of the currently pending claims, claim 13 and 29 are independent. The remaining claims depend, directly or indirectly, from claims 13 and 29.

Claim Amendments

Claims 13, 14, and 16-19 are amended by way of this reply to clarify aspects of the invention. No new subject matter is added by way of these amendments as support may be found, for example, on p. 4, ll. 1- p. 5, ll. 22 and in Figures 2 and 3 of the Application as filed.

Rejections under 35 U.S.C. § 112

Claims 13, 14, and 16-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claim 20 is canceled by way of this reply. Thus, the rejection is moot with regards to claim 20.

During the Examiner Interview, the Examiner stated that amending claim 13 to indicate that the scheduler was “programmed to ...” rather than “configured to...” would overcome the rejection. Claim 13 is amended as requested by the Examiner. Accordingly, claims 13, 14, and 16-19 satisfy the requirements of 35 U.S.C. § 112. Withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 13, 14, and 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No. 2005/0097015 (“Wilkes”) in view of U.S. Patent Pub. No. 2004/0019564 (“Goldthwaite”). As discussed above, claim 20 is canceled by way of this reply.

Accordingly, this rejection is moot with regards to claim 20. To the extent that this rejection applies to the remaining amended claims, this rejection is respectfully traversed.

Claim 13 is directed to a mobile device that is a part of a merchant transaction terminal. The mobile device includes a keypad, an external port configured to connect to a human interface module, and a subscriber identity module (SIM) card. The human interface module includes a second keypad for receiving an amount and a card reader to read a payment card to obtain payment card data from the payment card. The SIM card includes a scheduler to process the transaction. The processing of the transaction by the scheduler includes receiving encrypted payment card data and an amount from the human interface module. Specifically, the scheduler of the SIM card receives encrypted data from the external human interface module, decrypts the data, and communicates the payment card data and the amount to a virtual terminal server. *See, e.g.*, p. 3, ll. 15- p. 5, ll. 22 of the Specification.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” Further, the Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. *See* MPEP § 2143. The analysis presented by the Examiner to support the rejection of the claims under 35 U.S.C. § 103 in the Action indicates that the Examiner found no differences between the cited prior art and the claims besides a lack of the actual combination of the elements in a single prior art reference, *i.e.*, that the Examiner is relying solely on the teachings of the prior art. *See, e.g.*, MPEP § 2143(A). Applicants respectfully assert that all of the elements of the amended claims are not found in the cited prior art.

Turning to the cited art, the cited art fails to disclose or render obvious a scheduler on a SIM card that communicates with a human interface module having a second keypad, where the payment card data sent between the human interface module and the SIM card is secured from the mobile device through encryption. Rather, in Goldthwaite, the consumer only has a mobile device with an attachment device having a virtual SIM card. *See, e.g.*, Fig. 3. Goldthwaite is silent with regards to a scheduler on a SIM card that communicates with a human interface module having a second keypad, where the payment card data sent between the human interface module and the SIM card is secured from the mobile device through encryption as required by the amended claims.

Moreover, Wilkes fails to disclose or render obvious that which Goldthwaite lacks. Specifically, as clearly shown in Wilkes, the user uses a keypad on the mobile device. *See, e.g.*, Wilkes, paragraph [0053] and Fig. 7. As shown by Wilkes disclosing that the user uses a keypad on the mobile device to submit payment data, Wilkes is unconcerned with securing communication from the mobile device. In fact, Wilkes is silent with regards to a scheduler on a SIM card that communicates with a human interface module having a second keypad, where the payment card data sent between the human interface module and the SIM card is secured from the mobile device through encryption as required by the amended claims.

In view of the above, Wilkes and Goldthwaite, whether considered together or separately, fail to disclose or render obvious all of the limitations of claim 13. Accordingly, claim 13 is patentable over Wilkes and Goldthwaite. Dependent claims 14, and 16-19, which directly or indirectly depends from claim 13, are patentable over Wilkes and Goldthwaite for at least the same reasons. Withdrawal of this rejection is respectfully requested.

New Claims

Claims 28-30 are newly added by way of this reply. No new subject matter is added by way of new claims 28-30 as support may be found on p. 4, ll. 1-14 of the Application as filed. Further, claim 28 depends on claim 13 and is allowable over the cited art for at least the same reasons as claim 13. Claims 29 and 30 include similar limitations as claim 13 and is allowable over the cited art for the same reasons as claim 13. Accordingly, favorable consideration of claims 28-30 is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09669/092001).

Dated: May 18, 2010

Respectfully submitted,

By /Jonathan P. Osha
Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
909 Fannin Street, Suite 3500
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicants